

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Robert Dalton Allen and Mrs. Samuel Ellis Allen to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding the same, then and there to answer the complaint of Harold W. Payne.

WITNESS my hand this 2nd day of August, 1967.

Allice J. Black
Clerk

Both of the defendants reside at
108 Section Street, Fairhope, Alabama.

* * * * *

HAROLD W. PAYNE,

Plaintiff,

VS.

ROBERT DALTON ALLEN and
MRS. SAMUEL ELLIS ALLEN,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

7661

COMPLAINT

COUNT ONE

Plaintiff claims of the defendants Seven Hundred Dollars (\$700.00) damages for that heretofore on to-wit, September 6, 1966, at a point on Gayfer Road extension, approximately 1.1 mile East of the limits of Fairhope, Alabama, which is a public road in Baldwin County, the plaintiff's automobile was being operated by Kenneth Harold Payne at a place where he had a right to be and at said time and place the defendant, Robert Dalton Allen, who was then and there an agent, servant or employee of Mrs. Samuel Ellis Allen, acting within the line and scope of his authority as such agent, servant or employee, negligently left an motor vehicle parked in the main travel portion of said road during the hours of darkness and as a proximate result of the negligence of the said defendant, Robert Dalton Allen, the automobile of plaintiff was caused to run into,

upon or against the said automobile and was damaged as follows: the frame of the automobile was bent, damaged and broken; the steering apparatus of the car was broken and damaged; the instrument panel was broken; the right and left door of the automobile was bent and damaged and the steering wheel, water pump and battery were rendered useless, all to plaintiff's damages aforesaid, hence this suit. Plaintiff avers that all of his damages were caused as a proximate result of the negligence of the defendant, Robert Dalton Allen, at said time and place, while acting as an agent, servant or employee of the defendant, Mrs. Samuel Ellis Allen, and while acting within the line and scope of his authority as such agent, servant or employee.

COUNT TWO

The plaintiff claims of the defendant, Robert Dalton Allen, the sum of Seven Hundred Dollars (\$700.00) damages for that heretofore on to-wit, September 6, 1966, the said defendant negligently left a motor vehicle parked on the main travel portion of Gayfer Road extension at a point 1.1 miles East of the limits of Fairhope in Baldwin County, Alabama, during the hours of darkness and as a proximate result thereof, the automobile of plaintiff, which was at said time and place being driven by Kenneth Harold Payne, was caused to run into, upon or against the said automobile being operated by Robert Dalton Allen and as a proximate result of the negligence of the said defendant, plaintiff's automobile was damaged as follows: the frame of the automobile was bent, damaged and broken; the steering apparatus of the car was broken and damaged; the instrument panel was broken; the right and left door of the automobile were bent and damaged and the steering wheel, water pump and battery were rendered useless, all to plaintiff's damages aforesaid, hence this suit. Plaintiff avers that all of his damages were caused as a proximate result of the negligence of the defendant, Robert Dalton Allen, at said time and place.

FILED

AUG 3 1967


Attorney for Plaintiff

ALICE J. DUCK

CLERK
REGISTER

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Robert Dalton Allen and Mrs. Samuel Ellis Allen to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding the same, then and there to answer the complaint of Harold W. Payne.

WITNESS my hand this 3rd day of August, 1967.

Alice D. Duck
Clerk

Both of the defendants reside at
108 Section Street, Fairhope, Alabama.

* * * * *

HAROLD W. PAYNE,

Plaintiff,

VS.

ROBERT DALTON ALLEN and
MRS. SAMUEL ELLIS ALLEN,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

7661

C O M P L A I N T

COUNT ONE

Plaintiff claims of the defendants Seven Hundred Dollars (\$700.00) damages for that heretofore on to-wit, September 6, 1966, at a point on Gayfer Road extension, approximately 1.1 mile East of the limits of Fairhope, Alabama, which is a public road in Baldwin County, the plaintiff's automobile was being operated by Kenneth Harold Payne at a place where he had a right to be and at said time and place the defendant, Robert Dalton Allen, who was then and there an agent, servant or employee of Mrs. Samuel Ellis Allen, acting within the line and scope of his authority as such agent, servant or employee, negligently left a motor vehicle parked in the main travel portion of said road during the hours of darkness and as a proximate result of the negligence of the said defendant, Robert Dalton Allen, the automobile of plaintiff was caused to run into,

upon or against the said automobile and was damaged as follows: the frame of the automobile was bent, damaged and broken; the steering apparatus of the car was broken and damaged; the instrument panel was broken; the right and left door of the automobile was bent and damaged and the steering wheel, water pump and battery were rendered useless, all to plaintiff's damages aforesaid, hence this suit. Plaintiff avers that all of his damages were caused as a proximate result of the negligence of the defendant, Robert Dalton Allen, at said time and place, while acting as an agent, servant or employee of the defendant, Mrs. Samuel Ellis Allen, and while acting within the line and scope of his authority as such agent, servant or employee.

COUNT TWO

The plaintiff claims of the defendant, Robert Dalton Allen, the sum of Seven Hundred Dollars (\$700.00) damages for that heretofore on to-wit, September 6, 1966, the said defendant negligently left a motor vehicle parked on the main travel portion of Gayfer Road extension at a point 1.1 miles East of the limits of Fairhope in Baldwin County, Alabama, during the hours of darkness and as a proximate result thereof, the automobile of plaintiff, which was at said time and place being driven by Kenneth Harold Payne, was caused to run into, upon or against the said automobile being operated by Robert Dalton Allen and as a proximate result of the negligence of the said defendant, plaintiff's automobile was damaged as follows: the frame of the automobile was bent, damaged and broken; the steering apparatus of the car was broken and damaged; the instrument panel was broken; the right and left door of the automobile were bent and damaged and the steering wheel, water pump and battery were rendered useless, all to plaintiff's damages aforesaid, hence this suit. Plaintiff avers that all of his damages were caused as a proximate result of the negligence of the defendant, Robert Dalton Allen, at said time and place.

FILED

AUG 3 1967


Attorney for Plaintiff

ALICE J. DUCK

CLERK
REGISTER

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Fairhope
CASE NO. 7661

HAROLD W. PAYNE,

Plaintiff

vs:

ROBERT DALTON ALLEN and
MRS. SAMUEL ELLIS ALLEN,
108 Section St
Fairhope, Ala Defendants

* * SUMMONS & COMPLAINT * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

* AT LAW *

8-5-67
Ret. Not Found
in Mobile
in Eastern
Fairhope
Ala.

FILED

AUG 3 1967

ALICE J. DUCK CLERK
REGISTER

James R. Owen, Attorney

Received *3* day of *Aug* 19*67*
and on _____ day of _____ 19____

I served a copy of the within *S & C*
on *Robert Dalton Allen &*
Mrs. Samuel Ellis Allen

By service on _____

TAYLOR WILKINS, Sheriff
By _____ D. I.

Returned *5* day of *Aug* 19*67*
Not found in my county after diligent search and return
made by *J. M. Eastman*
Taylor Wilkins, Sheriff
Deputy Sheriff